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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,623	04/05/2006	In Haeng Cho	9988.315.00	5698

30827 7590 08/17/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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08/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/574,623		CHO ET AL.	
	Examiner		Art Unit	
	Saeed T. Chaudhry		1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/06</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Election/Restriction

Applicant's election of Group II, claims 5-20 in Paper No. 4/30/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant's preliminary amendments and remarks filed April 30, 2009 have been acknowledged by the examiner and entered. Claims 1-20 are pending in this application. Of the above claims 1-4 are withdrawn from consideration.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

Claims 5-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 and 13 are incomplete and confusing because it require a step "depending on whether the rise cycle is a hot rinse cycle" or "if the rinse cycle is selected to be a hot rinse cycle" but fails to recite a step which discloses if cycle is not a hot cycle then what are the rinsing steps.

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Claim 15 is confusing in the recitation of “ a determining of whether to operate the wash pump is based on whether a second setting” it is not clear how the wash pump is performed if the second time is elapsed?

Claim 16 is confusing since it is not clear what will pump perform if second time is not elapsed?

Claims 17 and 20 are confusing since it is not clear that if the temperature of the wash liquid is reached then how the preset temperature is repeated.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) he has abandoned the invention.

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(f) he did not himself invent the subject matter sought to be patented.

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 5, 7-10, 13-14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Driessen.

Driessen (5,792,276) disclose a method for controlling a dishwasher, wherein executing wash cycle and then beginning a rinse cycle; opening inlet valve for introducing water into the

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dishwasher and activating pump (42) for rinsing cycle; activating a heating element (40) after sufficient water has been introduced into the dishwasher and ending the operation of pump and turn off the heating element; and execute subsequent cycles (see col. 4, line 26 through col. 5, line 28). The reference does not specify depending on whether the rinse cycle is a hot rinse cycle but Driessen's method reads on the claimed method because it reads on a step wherein rinse cycle is always a hot cycle since the claimed method does not provide another step which specify that what will happened when it is not a hot cycle. Driessen process anticipate the claimed process if cycle is not hot then any dishwasher method as disclosed by Driessen is performed and read on the claimed process. Driessen discloses to operate the pump until second temperature is reached and rinse time is elapsed. Therefore, the claimed process is anticipated by the Driessen's process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6, 11-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driessen in view Inui et al.

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Driessen was discussed supra. However, the reference fails to disclose that wash pump is operated for duration of third time setting or first time duration is greater than the second time duration and second duration time is greater than third time.

Inui et al. (2003/0168,087) disclose a method for controlling a dishwasher and apparatus for The primary washing time and the rinsing time in an operation program are generally set based on timing and temperature of washing water. A heating/rinsing process finally performed in the rinsing process finishes when the temperature of the washing water reaches about 70.degree.. The rinsing process comprises a process of performing a rinsing operation controlled based on two or three time periods and the heating/_rinsing process controlled based on the temperature of the washing water. The heating/rinsing process has a process of raising the temperature of the washing water to about 70.degree.

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of rinsing the dishwasher for two or three time depending on the temperature of the rinsing temperature as disclosed by Inui et al. into the process of Driessen for the purpose of better and sanitizing the dishes in the dishwasher since rinsing several times depending on the temperature of the rinsing time is known to give better results. Further, one of ordinary skill in the art would have manipulate the duration of time for a pump with routine experimentation for faster and better results. Further one of ordinary skill in the art would use rinse liquid without heating the liquid for saving energy and if one is not concerned for sanitizing of the dishes.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saeed T. Chaudhry

Patent Examiner

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792